

JOSEPH DONALD SMITH §
v. § CIVIL ACTION NO. 6:16cv524
TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL. §

This lawsuit was severed out of a larger civil action and was referred by the Court to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The Magistrate Judge directed the Plaintiff to file an amended complaint and to pay the statutory filing fee or seek leave to proceed *in forma pauperis*, but the Plaintiff did not comply with these orders.

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 4) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **24** day of **June, 2017**.



Ron Clark, United States District Judge